

CHAPTER 1 GENERAL INFORMATION

1.1 RELATED STATUTORY AUTHORITY

- A.** SC Law Section 2-47-50 requires the Budget & Control Board (Board) to establish permanent improvement projects prior to any action being undertaken to implement the project or to expend any funds, except for advertising and interviewing for architectural and engineering services.
- B.** SC Law Section 2-47-56 limits procedural and approval requirements for construction gifts under \$250,000.
- C.** SC Law Section 6-7-830 subjects state, county and municipal agencies, departments, and subdivisions to zoning ordinances.
- D.** SC Law Section 6-9-110 exempts state property from local ordinances which require permits, etc., as means of enforcing building standards.
- E.** SC Law Section 6-9-110 provides for the training and certification of the OSE staff as Deputy State Fire Marshals.
- F.** SC Law Section 10-1-180 provides that all construction, improvement, and renovation of state buildings shall comply with all applicable standards as specified in the Manual for Planning and Execution of State Permanent Improvements - Part II.
- G.** SC Law Section 11-35-410 provides that any person may inspect or copy public records after an award, except as exempted by SC Law Section 30-4-40. Normally a procurement file is considered a public record, except for that portion of the submittal which at the time of the submission was marked as confidential.
- H.** SC Law Section 11-35-510 vested all rights, powers, duties and authority relating to centralization of materials management with the Office of General Services. This section transfers this authority from all other governmental bodies to the Office of General Services, regardless of the source of funds. This section also lists specific exceptions to the requirements of the Procurement Code.
- I.** SC Law Section 11-35-540 permits the Board to promulgate regulations, to approve agencies internal operational procedures for procurement, and to audit and monitor agencies procurement procedures.
- J.** SC Law Section 11-35-710 provides that the Board may exempt specific purchases from the Procurement Code.
- K.** SC Law Sections 11-35-810, 11-35-820, and 11-35-830 create respectively the Office of Materials Management, the Office of Information Technology Management, and the Office of State Engineer.
- L.** SC Law Sections 11-35-1520 and 11-35-3020 requires that procurements of design and construction services valued at \$25,000 or more be advertised by methods approved by the Office of General Services.
- M.** SC Law Section 11-35-4210 permits the Chief Procurement Officer to resolve protested solicitations and awards.
- N.** SC Law Section 11-35-4220 permits the Chief Procurement Officer to suspend or debar a person or firm from consideration for award of contracts.
- O.** SC Law Section 11-35-4230 permits the Chief Procurement Officer to resolve contract and breach of contract controversies.
- P.** SC Law Section 11-35-4410 establishes the South Carolina Procurement Review Panel as the final administrative review for all decisions by the Chief Procurement Officers.
- Q.** SC Regulation 19-445.2015 sets forth the procedure for ratification of unauthorized procurements.
- R.** SC Regulation 19-446 sets the requirements for persons representing clients in contract disputes and other proceedings before the Chief Procurement Officer for Construction.

- S. Governor's Executive Order 82-19 designates the State Engineer as the manager for State-level compliance with 44CFR, *Floodplain Management*.

1.2 RELATED OSE FORMS

The following OSE standard forms are referred to in this Chapter. Reproducible copies of these forms may be found in the Appendix indicated.

- A. Form SE-210, *Invitation for Professional Services*, which may be found in Appendix A.
- B. Form SE-219, *Notification of Selection for Contract Negotiation*, which may be found in Appendix A.
- C. Form SE-310, *Invitation for Construction Bids*, which may be found in Appendix B.
- D. Form SE-311, *Invitation for Minor Construction Quotes*, which may be found in Appendix C.
- E. Form SE-370, *Notice of Intent to Award*, which may be found in Appendix C.
- F. Form SE-900, *Application for Permit to Develop in a Flood Hazard Area*, which may be found in Appendix C.
- G. Form SE-901, *Permit to Develop in a Flood Hazard Area*, which may be found in Appendix C.

1.3 GUIDE TO LANGUAGE USAGE IN THE MANUAL

Table 1.3-1 provides a guide for interpreting the guidance presented in the Manual. Some mandatory requirements may be waived by OSE or higher authority. Agencies seeking an exemption from any mandatory requirement should apply in writing to the State Engineer. Any written exemptions must be kept on file by the Agency for audit purposes.

Table 1.3-1 - Required or Discretionary Language			
Examples of Language	<u>Mandatory Compliance</u> “must,” “shall,” “mandatory,” or “required”	<u>Limited Discretion</u> “should,” “strongly recommends”	<u>Full Discretion</u> “may,” “guidelines,” “recommended practices,” or “examples”
Source of Authority	Statutes, regulations, state policies, OSE policies required to meet legal responsibilities.	OSE policies related to mandatory requirements, or considered to be good business practices.	Policies, procedures and guidelines presented as aids to facilitate agency actions.
Compliance Requirements	Must be followed unless exempt by law or granted exemption by OSE or higher authority.	Need to be followed unless the agency has a good business reason for variance.	Optional
Documentation Requirements	Full documentation is required	File notation required	None required
Consequence for Noncompliance	Noncompliance may cause a violation of law, affect the enforceability of a contract and/or cause rejection of request by OSE	Noncompliance may affect compliance with another requirement or the advisability of a contract; OSE may question and request documentation.	None

1.4 AGENCY RESPONSIBILITIES

Each agency is responsible for its construction contracting program. This responsibility includes determining the necessity for design or construction services, securing appropriate funding, complying with

State and Federal laws, regulations, policies and procedures, contracting in a manner that protects the State's interests, and obtaining the required approvals.

1.5 OSE RESPONSIBILITIES

- A. The role of the OSE in procurement includes the following:
1. Establishing standard contracts for design and construction and approving agency-specific changes to the state's standard terms and conditions.
 2. Setting standards for the design and construction of state buildings.
 3. Assisting in contract negotiations.
 4. Authorizing state agencies to execute contracts for design and construction and amendments to those contracts.
 5. Providing up-front and continuing assistance to agencies regarding contract administration problems.
 6. Overseeing state contracting practices.
 7. Improving the state's contracting practices for professional services and construction.
 8. Training state personnel in construction procurement and contract administration policies and requirements.
 9. Conducting administrative reviews of contested procurements or contractual issues.
 10. Evaluating agency requests for higher levels of construction procurement certification and reviewing the performance of certified agencies.
 11. Ratifying unauthorized procurements.
- B. The State Engineer serves as the Building Official and Deputy State Fire Marshal for all buildings and facilities owned by the state or constructed on state property. As the Building Official and Deputy State Fire Marshal, the State Engineer's authority and responsibilities include, but are not limited to:
1. Review and approve plans and specifications for construction.
 2. Issuance of Building Permits, with or without conditions or limitations.
 3. Conducting inspections of construction and issue orders for corrective action or stop work.
 4. Issuance of Certificates of Occupancy, with or without conditions or limitations.
 5. Inspection of buildings for safety, including the suspension of Certificates of Occupancy.
 6. Authorization of the relocation, demolition or disposal of State buildings.
 7. Delegation of any of these responsibilities to others, including establishing the requirements for and the limitations of any delegation of building code enforcement authority. This authority is delegated to agencies as part of the Construction Certification process described in Chapter 3 of this Manual.
- C. The State Engineer serves as the administrator of the State-level Floodplain Management Program for State lands. As the Floodplain Program Manager, the State Engineer:
1. Receives and reviews agency requests submitted using Form SE-900.
 2. Issues permits (Form SE-901) for development in flood hazard areas.
 3. Chairs the Floodplain Variance Committee.

NOTE: Development in a flood hazard area requires a permit issued by the State Engineer, irrespective of the agency's procurement authority or building code enforcement responsibilities.

1.6 CIRCUMVENTION OF RESPONSIBILITIES

The statutes, regulations and policies that govern the State's contracting process are designed to protect the State's interests and to promote public confidence in State government. Therefore, it is not appropriate to seek artificial exemptions to contracting requirements or to seek loopholes. In particular, the circumvention of required competitive bidding or contract approval processes is improper. Pass-through contracts in which the contractor or another government agency is doing something that an agency cannot lawfully do directly, such as avoiding competitive bidding, is an example of circumvention.

1.7 CHIEF PROCUREMENT OFFICERS

A. SC Law establishes three Chief Procurement Officers. The Chief Procurement Officers have, collectively, the authority and responsibility for all state procurement unless the General Assembly or the Board exempts or otherwise transfers specific authority to others.

B. The Chief Procurement Officers are:

1. State Engineer (SE)
2. Materials Management Officer (MMO)
3. Information Technology Management Officer (ITMO)

C. The Chief Procurement Officers are located at the following addresses:

Materials Management Officer	State Engineer	Information Technology Management Officer
1201 Main Street	1201 Main Street	1201 Main Street
Suite 600	Suite 600	Suite 820
Columbia, SC, 29201	Columbia, SC, 29201	Columbia, SC, 29201
803-737-0600	803-737-0770	803-737-0600

D. Procurement responsibilities of the Chief Procurement Officers are as follows:

<u>CATEGORY</u>	<u>SE</u>	<u>MMO</u>	<u>ITMO</u>
1. Construction-Related Professional Services	X		
2. Construction, over Agency Certification	X		
3. Repair, \$25,000 or greater and over Agency Certification	X		
4. Repair, less than \$25,000 and Over Agency Certification		X	
5. Maintenance, over Agency Certification		X	
6. Operation, over Agency Certification		X	
7. Goods and Services, over Agency Certification		X	
8. Data Processing, over Agency Certification			X
9. Telecommunications, over Agency Certification			X
10. Office System Technology, over Agency Certification			X
11. Information Technology Services, over Agency Certification			X

NOTE: The above categories are defined in the Glossary.

E. For unusual procurements the Chief Procurement Officers coordinate their efforts to ensure that all relevant requirements are addressed.

1.8 ADVERTISING OF DESIGN AND CONSTRUCTION PROCUREMENTS

A. Chapters 4, 6 and 8 of this Manual describe in detail the minimum requirements for advertising procurements for either professional services or construction. When advertising is required by these

chapters, all advertisements must be published in the official State government publication, *South Carolina Business Opportunities (SCBO)*, which is published by the Materials Management Office.

NOTE: To improve competition, agencies may also advertise in other media, but such advertisements are not considered legal advertisements for the purpose of meeting the public notice requirements of the Procurement Code.

1. *SCBO* is available by subscription in either paper form or by password access to the MMO Web site. (<http://www.state.sc.us/mmo/scbo/scbomenu.htm>)
2. The *SCBO* publication schedule is:

<u>Forms Received at SCBO By:</u>	<u>Will Be Published The Following:</u>
Noon on Tuesday	Thursday
Noon on Thursday	Monday

- B. Professional Services solicitations, regardless of the anticipated contract value, are requested using Form SE-210. All solicitations for professional services must be submitted to and approved by the OSE prior to publication.
- C. Solicitations for construction bids must be approved by OSE prior to publication if the expected value of the contract exceeds the agency's construction certification. Solicitations within an agency's certification may be sent directly to *SCBO*.
 1. Construction solicitations using the Competitive Sealed Bidding process shall be requested using Form SE-310. See Chapter 6 for more information on this process.
 2. Construction solicitations where the award price is expected to be \$25,000 or less, and the Small Purchase process is being used to obtain quotes, shall be requested using Form SE-311. See Chapter 8 for more information on this process.

1.9 DELEGATION OF PROCUREMENT AUTHORITY AND EXEMPTIONS

- A. Each agency has the authority to conduct procurements up to \$5,000, subject to the requirements of the Procurement Code, including compliance with the applicable requirements of this Manual. The Board may grant an agency a higher construction certification limit as discussed in Chapter 3.
- B. The Board may, upon the recommendation of the Director of the Office of General Services, exempt governmental bodies from purchasing certain items through the respective chief procurement officer's area of responsibility.
- C. The Audit and Certification Group maintains current listings of all exemptions and certifications, which are available through the MMO Web site (<http://www.state.sc.us/mmo/audit/audmenu.htm>) or by contacting the Audit and Certification Group (telephone 803-737-0621).

1.10 PERMANENT IMPROVEMENT PROJECT (PIP)

- A. For the definition of a Permanent Improvement Project (PIP), agencies should first consult with the Capital Improvements Unit (CIU) in the State Building and Property Services Section of the Office of General Services. Part I of the *Manual for Planning and Execution of State Permanent Improvements* defines the process for establishing a PIP. The Board's approval of a PIP is documented on a Form A-1, which is available from CIU. Questions on procedures related to the PIP process should be directed to the Capital Improvements Unit (telephone 803-737-0790).
- B. A PIP may not be implemented in any way until an approved Form A-1 has been received by the agency and the OSE.

EXCEPTION: If the project is expected to result in a PIP, advertising and interviewing for architectural and engineering (A/E) services and negotiation of a proposed contract may be completed prior to the approval of the A-1. Contract(s) for A/E services on a PIP may not be awarded and no work may be performed until the Form A-1 has been approved.

- C. A PIP may be authorized by the Board for "A/E Services Only." This authorization is intended to allow the agency to define the project requirements in greater detail and to develop a proposed budget

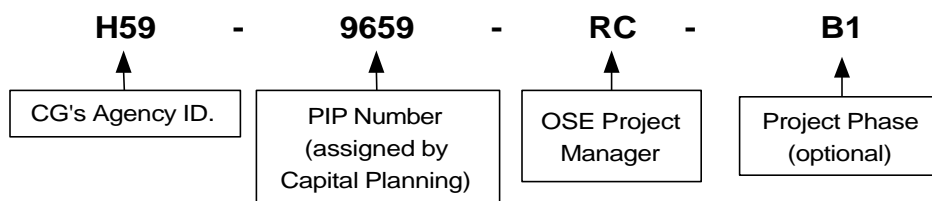
with greater confidence. In that event, the work of the A/E may not proceed past the equivalent of the Schematic Design stage (see Chapter 5) without the permission of the State Engineer.

1.11 NON-PERMANENT IMPROVEMENT PROJECT (NON-PIP)

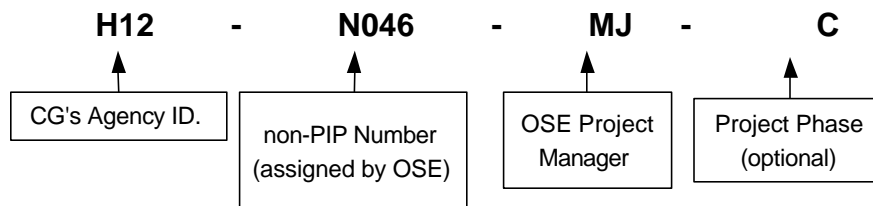
- A. Non-Permanent Improvement Projects are defined as construction projects that do not meet the definition of a PIP as contained in the *Manual for Planning and Execution of State Permanent Improvements - Part I*.
- B. If an agency begins a construction project which does not meet the PIP definition, but later it is determined that the project qualifies as a PIP, the agency must seek to establish the project as a PIP. The agency shall submit an A-1 form to the Capital Improvements Unit as soon as it is determined that the project qualifies as a PIP.

1.12 PROJECT NUMBERING

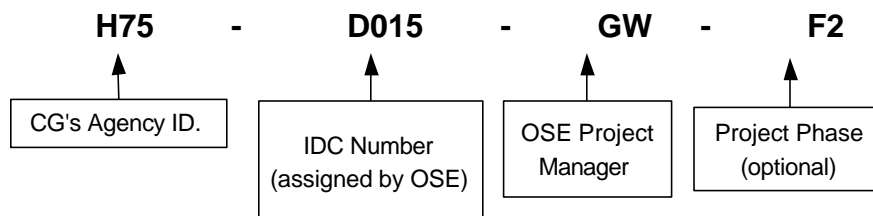
- A. Each project under the procurement jurisdiction of the OSE is given a unique project number which shall appear on all documents and correspondence associated with the project. The number will vary, depending on the type of project, as described below.
- B. Permanent Improvement Project Number



- C. Non-Permanent Improvement Project Number



- D. Indefinite Delivery Contract Number



- E. Project Phases (up to two digits) are typically used to identify smaller elements of a large project when separate design and construction contracts will be awarded.

1.13 TYPES OF CONSTRUCTION PROCUREMENTS

- A. "Construction" is defined as the process of building, altering, repairing, remodeling, improving, or demolishing any public structure or building or other public improvements of any kind on any public real property. It does not include the operation, routine repair or maintenance of existing structures, buildings or real property.

B. The following are methods of construction procurement allowed under the Procurement Code:

1. Competitive Sealed Bidding (CSB) - Chapter 6.
2. Small Purchases - Chapter 8.
3. Sole Source Procurements - Chapter 8.
4. Emergency Procurements - Chapter 8.
5. Alternative Forms of Project Delivery - Chapter 8.
6. Construction Management - Chapter 8.

1.14 RATIFICATION OF UNAUTHORIZED PROCUREMENTS

A. The Board is permitted to prescribe administrative penalties for violations of the SC Consolidated Procurement Code and Regulations. Violation of these provisions may be grounds for loss of or reduction in authority delegated by the Board.

B. Unauthorized procurements are required to be ratified and a written determination made by the head of the agency committing the act.

C. The ratification of an act obligating the State in a contract by any person without the required authority to do so by an appointment or delegation under the procurement code rests with the Director of the Office of General Services. It is prohibited for a procurement officer to ratify such acts.

1. Ratification by an Agency.

The Director of the Office of General Services has delegated authority to ratify such acts to the head of the agency responsible for the person committing the act when the value of the contract is within the dollar limits designated by the Board for that agency.

2. Ratification by the State Engineer.

The Director of the Office of General Services has delegated authority to ratify such acts other than those applicable in Item 1 above to the State Engineer up to \$50,000.

3. Ratification by the Materials Management Officer.

The Director of the Office of General Services has delegated authority to ratify such acts other than those applicable in Items 1 and 2 above to the Materials Management Officer up to \$100,000.

D. Corrective Action and Liability.

1. In all cases, the head of the agency committing the act shall prepare a written determination as to the following:

- (a) The facts and circumstances surrounding the act;
- (b) What corrective action is being taken to prevent reoccurrence;
- (c) Action taken against the individual committing the act; and
- (d) Documentation supporting the agency's determination that the price paid is fair and reasonable.

2. The head of the agency shall send a request for ratification, including the written determination and supporting documentation, to the State Engineer who will evaluate the submittal and take one or more of the following actions, as appropriate:

- (a) Request more information; or
- (b) Ratify the unauthorized procurement; or
- (c) Forward the request for consideration by the Materials Management Officer or the Director of General Services as required by the value of the unauthorized procurement.

1.15 LEGAL REMEDIES FOR SOLICITATIONS AND AWARDS

A. Filing A Protest

1. Any prospective bidder, offeror, contractor or subcontractor who is aggrieved and who wishes to protest a contract solicitation shall do so in writing to the Office of State Engineer within fifteen (15) days of the date of the Invitation for Bids, Request for Proposal, Solicitation, or Amendment, if the amendment is at issue.
2. Any actual bidder, offeror, contractor or subcontractor who is aggrieved and wishes to protest a contract award shall do so in writing to the Office of State Engineer within fifteen (15) days of the date of posting of the SE-219 (for A/E selections) or the SE-370 (for construction contracts).
3. The letter of protest must state the basis of the protest with enough detail to allow the State Engineer to understand the issues to be decided.

B. Resolution Process for Protests

1. The agency shall first attempt to resolve all protests by mutual written agreement between the aggrieved parties. The OSE's Project Managers are available to assist.
2. In the event the agency's efforts at mediation fail to resolve the protest, the State Engineer will conduct an administrative review of the issues raised by the protestant and issue a written decision.
3. The administrative review process may include a formal hearing. More information on the administrative review process is available through the Web site for the MMO's legal counsel (<http://www.state.sc.us/mmo/legal/lawmenu.htm>).

C. Appeals to the Procurement Review Panel

1. Any person adversely affected by the decision of the State Engineer may appeal that decision to the South Carolina Procurement Review Panel within 10 days from the posting of the decision.
2. The appeal may be addressed to the State Engineer or to the Procurement Review Panel directly.

D. Stay of Procurement During Protests

1. When a solicitation has been protested to the Office of State Engineer, the agency may not proceed with the procurement or enter into a contract until the protest has been finally resolved.
EXCEPTION: The State Engineer, upon written request by the head of the agency, may determine in writing that it is necessary, and in the best interest of the State, to allow the contract award process to continue pending resolution of the protest.
2. On the eleventh day after the State Engineer's decision has been posted, the agency may proceed with the contract award process, unless an appeal to the Procurement Review Panel has been filed.

1.16 LEGAL REMEDIES FOR CONTRACT CONTROVERSIES

A. Filing a Request for Resolution

1. Either the contracting agency or the contractor or subcontractor may file a written Request for Resolution of a contract controversy with the Office of State Engineer. For the purposes of resolving contract controversies, the term "contractor" and "subcontractor" apply to prime design professionals and their first tier consultants.
2. The Request for Resolution must state the general nature of the controversy and the relief requested in enough detail to give all parties notice of the issues to be decided.

B. Time Limits for Filing a Request for Resolution

1. A Request for Resolution must be filed within one year of the date the contractor last performed work under the contract, unless the basis for the claim is a latent defect.

2. Claims for latent defects must be filed within one year of the date the requesting party knew or should have known of the defect which is the basis for the claim.
- C. Resolution Process for Contract Controversies
1. The agency shall first attempt to resolve all contract disputes. The OSE Project Managers are available to assist. All unresolved contract controversies must be submitted to the State Engineer for resolution as described above.
 2. Formal mediation is the first step in the OSE's process of resolution of a contract controversy. The formal mediation is conducted by an OSE Project Manager, or other, mutually agreeable party, appointed by the State Engineer. The parties involved in the controversy shall participate in the mediation process.
 3. In the event mediation fails to resolve all the issues in the contract controversy, the State Engineer will normally conduct an administrative review of the issues raised by the claimant and issue a written decision. The administrative review process normally includes a formal hearing where the parties have the opportunity to present evidence and testimony, cross-examine witnesses and submit arguments to support their position. Legal representation is not required for a hearing before the State Engineer.
 4. All proposed exhibits and related information shall be supplied at the administrative hearing with sufficient copies for all parties. The State Engineer may direct the parties to exchange exhibit information and witness lists before the hearing.
 5. Each party must furnish sufficient evidence and witnesses to substantiate its claim. Unsupported testimony from the claimant is not sufficient to establish the amount of an award for a requested claim. If the respondent believes the value of a claim is unreasonable, then evidence or witnesses must be presented to substantiate a different value for the claim.

1.17 PUBLIC ACCESS TO PROCUREMENT INFORMATION

- A. Each agency is responsible for its compliance with the South Carolina Freedom of Information Act (FOIA)-10 through -110, as amended) and the South Carolina Trade Secrets Act (§39-8-10 through 130, as amended) and the development and enforcement of internal policies and procedures to ensure compliance.
- B. The following are general guidance statements describing OSE's public disclosure policies but they should not be considered a complete review of the requirements of either FOIA or the Trade Secrets Act.
1. Only the information disclosed by the procurement officer of the agency or his designee at the opening of quotations or sealed bids is considered to be public information under FOIA, until the award is made by posting the Form SE-370.
 2. In the case of professional services procurements, the information related to the agency's determination of the list of firms selected for final interview and the information related to the agency's determination of the final ranking of the interviewed firms is considered public at the time the Form SE-219 is posted by the agency.
 3. Material not marked as confidential at the time of submittal must be made available under FOIA.
 4. Any person may inspect or copy public records after an award, except as exempted by §30-4-40. Normally a procurement file is considered a public record.
 5. Information relative to the identity of the maker of a gift to a public body shall not be disclosed when the maker specifies that his identity not be revealed as a condition of the gift.
 6. The public body shall separate public records containing information that is exempt from disclosure prior to making the remaining information available to the public.
 7. Notification as to public availability of public records must be made within 15 days (excluding Saturday, Sundays and legal holidays) of receipt of a written request.

8. Any person that violates the provisions of FOIA shall be guilty of a misdemeanor and subject to the penalties listed in §30-4-110.
- C. The South Carolina Supreme Court, in the case of *Quality Towing, Inc. v. City of Myrtle Beach, et al.* (2001 WL 533180 (S.C.)), ruled that an RFP evaluation committee as a “public body”, as defined by the Freedom of Information Act. In all likelihood, this decision applies to both agency A/E Selection Committees and OSE’s RFP Evaluation Committees. The OSE has developed guideline procedures to assist agency A/E Selection Committees in complying with these requirements. Agencies should contact the assigned OSE Project Manager for assistance and instruction. The OSE guidelines should be considered advisory and are not intended to supplant an agency’s internal policies, procedures and legal counsel regarding compliance with FOIA’s requirements.

1.18 RELATIONSHIP BETWEEN LOCAL OFFICIALS AND STATE AGENCIES

The following is included as information relevant to State construction.

- A. SC Law Section 6-9-110 states: “(A) A county, municipal, or other local ordinance or regulation which requires the purchase or acquisition of a permit, license, or other device utilized to enforce any building standard does not apply to a: (1) state department, institution, or agency permanent improvement project, construction project, renovation project, or property;...(B) After successful completion of all requirements, the State Fire Marshal shall certify personnel of the State Engineer's Office of the Budget and Control Board designated by the State Engineer. The certified personnel and deputy state fire marshals, including resident state fire marshals, have exclusive jurisdiction over state buildings, including schools, in the exercise of the powers and jurisdictional authority of the State Fire Marshal under Sections 23-9-30, 23-9-40, and 23-9-50.”
- B. SC Law Section 10-1-180 states: "The State Engineer shall determine the enforcement and interpretation of all the aforementioned codes and referenced standards on state buildings. Any interested local officials shall coordinate their comments related to state buildings through the State Engineer and shall neither delay construction nor delay or deny water, sewer, power other utilities, or fire fighting services. State agencies may appeal to the Director, Office of General Services, regarding the application of these codes to state buildings.”
- C. SC Law 6-7-830 states: “State, county and municipal agencies, departments, and subdivisions to be subject to zoning ordinances; exception for certain homes for mentally handicapped.
 1. All agencies, departments and subdivisions of this state that use real property, as owner or tenant, in any county or municipality in this state shall be subject to the zoning ordinances thereof...The provisions of this section shall not require any state agency, department or subdivision to move from facilities occupied on June 18, 1976, regardless of whether or not their location is in violation of municipal or county zoning ordinances....
 2. The governing body of any county or municipality whose zoning ordinances are so violated may apply to any court of competent jurisdiction to injunctive and such other relief as the court may deem proper.”
- D. SC Law 6-9-110 states: “Inapplicability to state property of local ordinances which require permits, etc. as means of enforcing building standards. In no event may any county, municipal, or other local ordinance or regulation which requires the purchase or acquisition of a permit, license, or other device utilized to enforce any building standard be construed to apply to any state department, institution, or agency permanent improvement project, construction project, renovation project, or property.”
- E. *Case notes from City of Charleston vs. South Carolina State Ports Authority (1992, SC 420 SE2d 49) state:* “Because the various codes which local governments may adopt and approved local variations differ, the legislature has exempted state agencies from the local codes. The state buildings are designed and approved at the state level under building codes applicable to state buildings. Chapter 9 applies to such things as electrical, plumbing and gas codes, it is simply inapplicable to zoning ordinances. Zoning ordinances which regulate not only the use of the building but also the facade must be complied with by all state agencies...”.